

Prob 12C  
(Rev. 3/95 D/HI)

ORIGINAL

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

FEB 09 2006

at 3 o'clock and 30 min. P M  
SUE BEITIA, CLERK

U.S.A. vs. PAUL RAPHAEL SPINK Docket No. CR 03-00409DAE-01

**AMENDED REQUEST FOR COURSE OF ACTION  
(Statement of Alleged Violations of Supervised Release)**

COMES NOW JONATHAN K. SKEDELESKI, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Paul Raphael Spink who was placed on supervision by the Honorable Marilyn L. Huff sitting in the District Court of Guam, on the 7th day of December 1995, who fixed the period of supervision at 5 years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

1. The defendant shall submit to random searches of his home, boat, or automobile.

On 11/29/1999, a Request for Modifying the Conditions or Term of Supervision With Consent of the Offender was filed in the District of Guam to modify the conditions of supervision as follows:

2. The defendant shall participate in a substance abuse program to include drug testing at the direction and discretion of the Probation Office.

On 8/12/2003, a Request for Modifying the Conditions or Term of Supervision With Consent of the Offender was filed in the District of Guam to modify the conditions of supervision as follows:

3. The defendant shall perform 50 hours of community service as directed by the Probation Office.

On 8/27/2003, jurisdiction was transferred from the District of Guam to the District of Hawaii and assigned to Your Honor.

**Revocation Violations:** On 2/24/2004, the Court revoked supervised release for the following violations: 1) The subject failed to follow the instructions of the Probation Officer; 2) The subject failed to perform 50 hours of community service as directed by the Probation Office; 3) The subject failed to submit truthful written reports within the first five days of each month from August 2003 to November 2003; and 4) The subject engaged in conduct constituting Theft in the Second Degree.

**Revocation Sentence:** The Court sentenced the subject to two consecutive weekends in prison followed by 50 months of supervised release with the following special conditions: 1) That the defendant is prohibited from possessing any illegal or dangerous weapons; 2) That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office; and 3) That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

On 6/4/2004, a No Bail Warrant was issued by the Court after the subject was arrested by the Honolulu Police Department for four counts of Sexual Assault in the First Degree and seven counts of Sexual Assault in the Third Degree. The subject has been in the State of Hawaii custody since the arrest and the charges were adjudicated on 12/28/2005.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

Alleged Violation(s) of Supervised Release

That the alleged Violation No. 2 in the Request for Course of Action filed on 6/4/2004 be amended to read:

2. On 9/21/2005, the subject pled guilty in Circuit Court of the First Circuit, State of Hawaii to four counts of Sexual Assault in the Second Degree, and seven counts of Sexual Assault in the Third Degree in violation of the Hawaii Revised Statute 707-731(1)(a) and 707-732(1)(b) respectively, and the General Condition of supervised release.

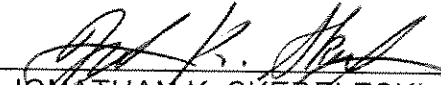
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PRAYING THAT THE COURT WILL ORDER ONE OF THE FOLLOWING COURSES OF ACTION:

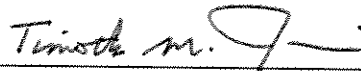
- ☒ That the Request for Court Action filed on 6/4/2004 be amended to read as noted above and that the subject be brought before the Court to show cause why supervised release should not be revoked.
- ☐ Other

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/7/06

  
JONATHAN K. SKEDELESKI  
U.S. Probation Officer

Approved by:

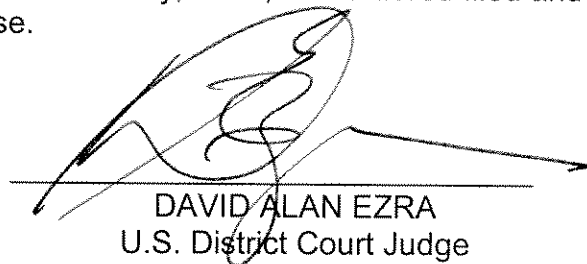
  
TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

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ORDER OF COURT

THE COURT ORDERS that alleged Violation No. 2 in the Request for Course of Action filed on 6/4/2004 be amended to read as noted above and that the subject be brought before the Court to show cause why supervision should not be revoked.

Considered and ordered this 7th day of February, 2006, and ordered filed and made a part of the records in the above case.



DAVID ALAN EZRA  
U.S. District Court Judge

Re: **SPINK, Paul Raphael**  
**Criminal No. CR 03-00409DAE-01**  
**REVOCATION OF SUPERVISED RELEASE**

### **STATEMENT OF FACTS**

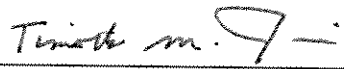
As summarized in Violation No. 2 in the Request for Course of Action filed on 6/4/2004, the subject allegedly engaged in criminal sexual misconduct while on supervised release. Specifically, he was accused of sexually assaulting an eleven (11)-year-old female for several days. Since the filing of the petition, the subject pled guilty to the charges and was subsequently sentenced in Circuit Court of the First Circuit, State of Hawaii. According to a plea agreement filed on 9/21/2005, the subject pled guilty in Cr. No. 04-1-1103 to four counts of Sexual Assault in the Second Degree, and seven counts of Sexual Assault in the Third Degree. Subsequently, on 12/28/2005 the subject was sentenced by the Honorable Richard K. Perkins to ten (10) years imprisonment with a mandatory minimum term of three (3) years and four (4) months as to the four counts of Sexual Assault in the Second Degree, and five (5) years imprisonment with a mandatory minimum of one (1) year and eight (8) months as to the seven counts of Sexual Assault in the Third Degree. All terms to run concurrently and credit is given for time already served.

We respectfully recommend that Violation No. 2 in the Request of Course of Action filed on 6/4/2004 be amended to reflect the subject's conviction. For facts and circumstances surrounding the new criminal conduct, please refer to the Statement of Facts in the Request for Course of action filed on 6/4/2004.

Respectfully submitted by,

  
JONATHAN K. SKEDELESKI  
U.S. Probation Officer

Approved by:

  
TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

JKS/ct